

Application No.: 10/043,657

REMARKS

Claims 13, 15-22, and 27-28 are pending in this application. By this Amendment, claims 13, 19, and 22 are amended to further clarify the recited subject matter and new claims 27 and 28 are added. The above-indicated amendments are supported by the original disclosure and no new matter is added by these amendments. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. PRIOR ART REJECTIONS - 35 U.S.C. §102**A. CLAIMS 13-17 AND 19-22 ARE PATENTABLE OVER MOTSENBOCKER**

The Office Action rejected claims 13-17 and 19-22 under 35 U.S.C. §102(b) as being unpatentable over Motsenbocker (U.S. Patent No. 4,420,097, hereinafter "Motsenbocker"). The Applicant traverses the rejection because Motsenbocker fails to teach or suggest all of the features recited in the rejected claims.

i. CLAIMS 13-17 AND 19-21 ARE PATENTABLE OVER MOTSENBOCKER

For example, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and

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therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Therefore, Motsenbocker actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13.

Accordingly, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker. Likewise, claims 14-17, 19-21, and new claims 27 and 28, which depend, either directly or indirectly, from independent claim 13, are also patentable over Motsenbocker for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 13-17, 19-21, and new claims 27 and 28 are allowable and withdrawal of the rejection claims 13-17 and 19-21 under 35 U.S.C. §102 is respectfully requested.

ii. CLAIM 22 IS PATENTABLE OVER MOTSENBOCKER

For example, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form an inner compartment and at least one outer compartment; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein ~~at least one of said compartments is filled with a gel, and at least one of said compartments~~ said inner compartment is for being filled with a drinking fluid, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", as recited in amended claim 22.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a

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location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Therefore, Motsenbocker actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form an inner compartment and at least one outer compartment; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein ~~at least one of said compartments is filled with a gel, and at least one of said compartments~~ said inner compartment is for being filled with a drinking fluid, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a scalable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack", as recited in amended claim 22.

Accordingly, Applicant respectfully submits that independent claim 22 is patentable over Motsenbocker. Thus, Applicant respectfully submits that claim 22 is allowable and withdrawal of the rejection that claim under 35 U.S.C. §102 is respectfully requested.

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II. PRIOR ART REJECTIONS - 35 U.S.C. §103**A. CLAIM 18 IS PATENTABLE OVER MOTSENBOCKER IN VIEW OF VAN TURNHOUT**

The Office Action rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of Van Turnhout (U.S. Patent No. 6,044,201, hereinafter "Van Turnhout"). The Applicant traverses the rejection because the combined teachings of Motsenbocker and Van Turnhout fail to teach all of the features recited in the rejected claim.

For example, Motsenbocker fails to teach or suggest at least a hydration system, comprising "a flexible pouch including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container "where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents". (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker's liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Furthermore, as indicated in the Office Action, Motsenbocker fails to teach or suggest a gel thermal capacitance medium that acts as both a cooling and heating medium.

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Thus, Motsenbocker fails to teach the claimed subject matter of original claim 13 and actually teaches away from a hydration system, comprising "a flexible pouch including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13.

The inclusion of Van Turnhout fails to overcome the deficiencies of Motsenbocker. Van Turnhout merely discloses a device for storing and gradually dispensing heat or cold, which includes a container having a partially heat-conducting wall enclosing a space with material having a high heat capacity including a semisolid hydrogel formed by a crosslinked hydrophilic polymer containing 90-99.5% of water, based on the sum of polymer and water. (See Abstract of Van Turnhout)

As further described in Van Turnhout, the device can be used for the purpose of keeping parts of the human or animal body warm, in the form of a bottle, cylinder, blanket or bed. The device may also serve as a heat source for other materials, such as hair (rollers), food, plates (catering) and the like. The Van Turnhout device can be used not only as a chargeable source of heat but also as a source of cold, for example to be used for cooling drinks or other comestibles, or for medical applications. Cool-down can, for example, be effected in a freezer compartment. The device may have various forms such as a cylinder, block, plate and the like and hold varying capacities. (See Col. 4, Lines 5-20 of Van Turnhout)

Thus, the teachings of Van Turnhout teach away from a hydration system, comprising "a flexible pouch including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13, and fail to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Van Turnhout, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Since the teachings of Van Turnhout fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker and Van Turnhout, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising "a flexible pouch

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including a plurality of layers all joined together to form an inner compartment and at least one outer compartment, the at least one outer compartment for being filled with a thermal capacitance medium", as recited in amended claim 13.

Therefore, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker in view of Van Turnhout. Likewise, dependent claim 18 is also patentable over Motsenbocker in view of Van Turnhout by virtue of its direct dependence from claim 13, for the reasons discussed above, and for the additional feature(s) it recites. Thus, claim 18 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

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CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully submits that claims 13, 15-22, and 27-28 are directed to allowable subject matter and that the application is in condition for allowance. Accordingly, prompt reconsideration and allowance of the application with these claims is respectfully requested.

However, if the Examiner believes there is anything further necessary to place this application in better condition for allowance, Applicant requests the Examiner telephone Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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